



UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK

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Reply to Southern Division Address

December 6, 2021

In re: *McClain v. Bank of New York Mellon et al.*, Civil Action No. 18-3692

Dear Parties:

I have been contacted by Judge Chuang who presided over the above-referenced case.

Judge Chuang has informed me that it has been brought to his attention that at some time during the pendency of this case, a member of his family owned stock in Wells Fargo & Company. The ownership of stock neither affected nor impacted any decisions in this case. However, such stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Chuang directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

Accordingly, you are invited to respond to Judge Chuang’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before December 27, 2021. Any response will be considered by another judge of this

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court without the participation of Judge Chuang.

Sincerely,



Catherine M. Stavlas
Clerk of Court